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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,547	04/14/2004	Joe E. Stout	10012068-4	9111

7590 10/17/2005  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P. O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

PHAM, HAI CHI

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/825,547		STOUT ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Hai C. Pham		2861	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-24, 26-30, 34-37 and 43-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-24, 26-27 and 43 is/are allowed.
- 6) ☒ Claim(s) 28-30, 34-37, 44-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 28, 30, 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Blair (U.S. 6,520,617).

Blair discloses a drop emitting apparatus comprising a resistor (heater resistor 56, Fig. 1) on a substrate surface (substrate 54), a first polymer layer (ink barrier 12) formed over the substrate surface and surrounding the resistor to define a firing chamber (the ink barrier 12 is formed of a photopolymer material such as dry film, and surrounds the resistor 56 to form the ink chamber 19), a second polymer layer (orifice plate 13) formed over the first polymer layer and defining a nozzle over the firing chamber (the orifice plate 13 comprises of a polymer material in which the orifices 21

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are formed) (col. 2, lines 27-45), and a top coating layer defining a countersunk bore corresponding to an opening of the nozzle from which the fluid is ejected (the orifice 21 includes an outlet counterbore 21a) (Figs. 1 and 3).

Blair further teaches the first polymer layer including a dry film (col. 1, lines 42-45).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blair in view of Mrvos et al. (U.S. 6,409,312).

Blair discloses all the basic limitations of the claimed invention except for one the first and second polymer layers comprising SU8.

However, it is old and well known in the art that the photoimagable polymer such as SU8 developed by IBM has been preferably used in the ink barrier as a hard polymer layer surrounding the heater resistor as evidenced by Mrvos et al., which discloses an ink jet printer and a process of fabricating the ink jet print head, comprising a resistor (heater resistor 22) on a substrate surface (semiconductor substrate 14), a first polymer layer (first photo-imaged polymer layer 44) formed over the substrate surface and surrounding the resistor, a second polymer layer (second photo-imaged polymer layer

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52) formed over the first polymer layer and defining a nozzle (50), and wherein the first and second polymer layers (44 and 52) are SU8 layers (col. 5, line 66 to col. 6, line 10).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the ink barrier layer and/or the nozzle plate of Blair with the SU8 material as taught by Mrvos et al. The motivation for doing so would have been to provide a hard polymer layer forming the firing chamber resistant to a high environmental temperature.

5. Claims 35-37 and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blair in view of Radke et al. (U.S. 6,054,011).

Blair discloses all the basic limitations of the claimed invention except for the third layer formed between the first and second polymer layers, and the primer layer formed between the substrate and the first polymer layer.

Radke et al. discloses an ink jet print head comprising a heating element (not shown) (col. 1, lines 20-36), a cover layer supported on the substrate surface, the cover layer defining a firing chamber (32) formed about the heating element and defining a nozzle (17) over the firing chamber, wherein the cover layer includes a first layer (barrier layer 24), a second layer (orifice plate 14) and a third layer (adhesion promoter layer 20) disposed between the barrier layer and the nozzle plate, a top-coat layer (16), and a primer layer (intermediate layer 27) supported by the substrate surface (substrate 29), wherein at least one outer edge of at least one other of the cover layers is offset from the outer edge of the primer layer to expose a surface of the primer layer (Fig. 1).

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It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the third layer and the primer layer in the modified device of Blair as taught by Radke et al. The motivation for doing so would have been to enhance the adhesion between the plural layers forming the ink jet print head as well as to protect the substrate from heat.

***Allowable Subject Matter***

6. Claims 22-24, 26-27 and 43 are allowed.

***Response to Arguments***

7. Applicant's arguments with respect to claims 28-30, 34-37 and 44-45 have been considered but are moot in view of the new grounds of rejection as presented in this Office action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C. Pham whose telephone number is (571) 272-2260. The examiner can normally be reached on M-F 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on (571) 272-1934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HAI PHAM  
PRIMARY EXAMINER

October 13, 2005